

**CITY OF CENTRAL, COLORADO
ORDINANCE 15-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO APPROVING A LEASE AGREEMENT BY AND BETWEEN THE
CITY AND CENTRAL CITY, LLC FOR THE PREMISES KNOWN AS
117 MAIN STREET, 123 MAIN STREET, AND 125 MAIN STREET**

WHEREAS, the City of Central is a home rule municipality that is authorized, pursuant to its Home Rule Charter, the Colorado Constitution and state law, to adopt ordinances in furtherance of the health, safety and welfare of the City's inhabitants; and

WHEREAS, Section 2.2 of the Home Rule Charter vests the City with all powers, functions, rights and privileges in the operation of a municipality except those expressly forbidden to home rule municipal corporations and cities by the Constitution or statutes; and

WHEREAS, the Home Rule Charter does not specifically define economic development activities, but the City Council of the City of Central, as the legislative and governing body of the City is authorized to determine what constitutes authorized economic development activities; and

WHEREAS, by Resolution No. 15-06 dated March 3, 2015, the City Council approved and adopted the City's Interim Community Economic Development Strategic Plan (the "ED Plan"); and

WHEREAS, the ED Plan references the *Maintain Central* program; and

WHEREAS, the primary purpose of the *Maintain Central* program is to provide public support for economic development projects in the City that foster, promote, and enhance local economic development efforts; and

WHEREAS, the *Maintain Central* program specifically contemplates the City entering into long-term rental and/or leasehold agreements as necessary to fulfill authorized governmental or proprietary functions of the City including but not limited to implementation of the ED Plan; and

WHEREAS, the City Council desires to enter into a lease agreement with Central City, LLC, a Delaware limited liability company (the "Property Owner") for that certain property described as 117 Main Street, 123 Main Street and 125 Main Street (collectively, the "Premises"); and

WHEREAS, pursuant to Section 11.7 of the Home Rule Charter, the City Council must, by ordinance, authorize long-term rentals or leasehold agreements for any municipal purpose; and

WHEREAS, Section 11.7 of the Home Rule Charter defines a long-term lease as any lease having a duration of more than one year; and

WHEREAS, the initial term of the lease agreement exceeds one year; and

WHEREAS, the City Council specifically finds that this Ordinance will further the health, safety and general welfare of the City's inhabitants and will assist with the implementation of the ED Plan by allowing the City to utilize the Premises as overflow meeting space, to showcase public art, to provide space for special events or festivals scheduled to occur during the initial term or any renewal term of the lease agreement, to allow for flex office space for the City's economic development consultant, and to utilize the Premises for other governmental or proprietary services as determined by the City; and

WHEREAS, it is the intent of this Ordinance to authorize the City Manager to execute the necessary documents to enter into a long term lease agreement with the Property Owner for the purpose of implementing the ED Plan and the *Maintain Central* program; and

WHEREAS, City Council conducted a public hearing, with proper notice provided, to consider adoption of this Ordinance as required by law.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO THAT:

Section 1. The City Council hereby confirms that the City desires to enter into the Lease Agreement in substantially the form on file with the City Clerk on the effective date of this Ordinance (the "Lease Agreement") in order to promote and enhance the City's economic development efforts through implementation of the City's ED Plan and *Maintain Central* program. In approving this Ordinance, City Council fully intends that the Premises be exempt from taxation in accordance with the applicable provisions of C.R.S. § 31-15-802 and § 39-3-124(1)(b)(I).

Section 2. The City Council designates and confirms that the City Manager is authorized to execute the Lease Agreement for and on behalf of the City. The City Manager, in consultation with the City Attorney, may make such non-material changes to the Lease Agreement as the City Manager deems necessary or desirable prior to execution of the Lease Agreement.

Section 3. The City Council designates and confirms that the City Manager, during the initial term or any renewal term of the Lease Agreement, shall be authorized to execute one or more sublease(s) for any portion of the Subject Property for any lawful purpose, following the review and approval of the form of any sublease(s) by the City Attorney.

Section 4. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 5. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 6. Effective Date. This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

INTRODUCED AND READ by title only on first reading at the regular meeting of the City Council of the City of Central on the ____ day of _____, 2015, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

Approved as to form:

Marcus McAskin, City Attorney

ATTEST:

Reba Bechtel, City Clerk

PASSED AND ADOPTED on second reading, at the regular meeting of the City Council of the City of Central on the ____ day of _____, 2015.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on _____, 2015.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on _____, 2015.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk